

Notice of Allowability

Application No.

09/266,936

Examiner

Kevin R Kruer

Applicant(s)

SILENIUS

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/22/2004.
2. ☒ The allowed claim(s) is/are 1,4,12,13,31-33,38-40 and 43.
3. ☒ The drawings filed on 25 April 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 2-18-2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michele Cimbala on Friday, February 18, 2005.

1. A method of reducing the combustion residue of coated, wood-free paper wherein said method comprises making said coated, wood-free paper with a coating pigment comprising calcium oxalate, wherein the proportion of calcium oxalate that is in said pigment is between 10% and 100% by weight of said pigment, wherein said calcium oxalate is a monohydrate that has been ground and over 90% of the particles of said ground calcium oxalate that are used are smaller than 2.3 gm and only 10% are smaller than 0.5 um and wherein said coated, wood-free paper has an ISO brightness of 80% or more and an opacity of 80% or more.

2-3. (Canceled).

4. (Previously presented) The method according to claim 1, wherein said ISO brightness is over 90% and said opacity is over 90%.

5-1 1. (Canceled)

12. (Currently amended) A method of reducing wear of a coated, wood-free paper-making wire, wherein said method comprises incorporating calcium oxalate into the

Art Unit: 1773

coating of said coated, wood-free paper, wherein said calcium oxalate comprises 10 to 100% by weight of total pigment, wherein said calcium oxalate is a monohydrate that has been ground and over 90% of the particles of said ground calcium oxalate that are used are smaller than 2.3 μm and only 10% are smaller than 0.5 μm .

13. (Currently amended) Coated, wood-free paper comprising a pigment comprising calcium oxalate, wherein said coated, wood-free paper has an ISO brightness of over 80% and an opacity of over 80%, wherein said calcium oxalate is a monohydrate that has been ground and over 90% of the particles of said ground calcium oxalate that are used are smaller than 2.3 μm and only 10% are smaller than 0.5 μm .

14-30. (Canceled)

31. (Previously presented) The method according to claim 1, further comprising making said paper with a filler that comprises calcium oxalate.

32. (Previously presented) The method according to claim 12, wherein said paper comprises a filler that comprises calcium oxalate.

33. (Previously presented) The coated, wood-free paper according to claim 13, wherein said paper further comprises a filler that comprises calcium oxalate.

34. (Canceled)

35. (Canceled)

36. (Canceled)

37. (Canceled)

38. (New) The method according to any one of claims 1, 4 and 31, said method further comprising using a second pigment selected from the group consisting of calcium

Art Unit: 1773

carbonate, calcium sulphate, aluminum silicate, kaolin, aluminum hydroxide, magnesium silicate, talc, titanium dioxide, silica, barium sulphate and combinations thereof.

39. (New) The coated, wood-free paper according to claim 13 or 33, wherein said coated, wood-free paper has a maximum combustion residue of 35%, calculated from the total weight of dry matter of the coated, wood-free paper.

40. (New) The coated, wood-free paper of claim 13 or 33, wherein said coated, wood-free paper further comprises fillers or coating pigments other than calcium oxalate.

41. (Canceled)

42. (Canceled)

43. (new) The method according to any one of claims 31, 32, and 33, wherein said paper comprises a second filler selected from the group consisting of calcium carbonate, calcium sulphate, aluminum silicate, kaolin, aluminum hydroxide, magnesium silicate, talc, titanium dioxide, silica, barium sulphate, and combinations thereof.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Claims 1, 4, 12, 13, 31-33, 38-40 and 43 are allowable.

The closest prior art is Hampl Jr. (US 5,893,372) and Briskin et al (US 3,608,559). Hampl teaches a high opacity cigarette wrapping paper (abstract) wherein the paper comprises cellulosic pulp (col 6, line 17) and 20-40% white pigment (col 3, line 45), such as calcium carbonate. The paper preferably has a brightness of at least

Art Unit: 1773

70% and an opacity of at least 80% (col 3, line 24). Briskin teaches that hydrated calcium oxalate may be sprayed onto a cellulose material (col 6 lines 37+) in order to improve the ashing properties of the paper.

The claims are allowable over the prior art because the prior art does not teach or render obvious the claimed particle size distribution. Specifically, the prior art does not teach or render obvious the use of calcium oxalate wherein over 90% of the calcium oxalate particles that are used are smaller than 2.3µm and 10% of calcium oxalate particles that are smaller than 0.5µm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K-R-K' with a stylized flourish at the end.

Kevin R. Kruer
Patent Examiner